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AB-1183 Residential tenancy: habitability: inspection and right to cure. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1183

Introduced by Assembly Member Lowenthal

February 21, 2025

An act to ~~amend Section 1941.2 of~~ *add Section 1941.8 to* the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1183, as amended, Lowenthal. ~~Tenancy-~~*Residential tenancy: habitability: inspection and right to cure.*

Existing law requires the lessor of a building intended for the occupation of human beings, in the absence of an agreement to the contrary, to put the building into a condition fit for that occupation and to repair all subsequent dilapidations thereof that render it untenable, except as specified. Existing law describes the affirmative standard characteristics that, if lacking, make a dwelling untenable. Existing law requires a city or county that receives a complaint from a tenant, resident, or occupant that a building contains lead hazards or is substandard to perform an inspection of the building or portion thereof intended for human occupancy, document any violations, advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation, and schedule a reinspection to verify correction of the violations, as specified.

This bill would authorize the landlord of a dwelling unit to elect to have an inspection performed to verify that the dwelling unit satisfies the habitability requirements described above before it is made available for hire. Because the bill would require local agencies to provides additional services, it would impose a state-mandated local program. The bill would establish a presumption that, if the landlord has an inspection performed showing no violation of the habitability requirements, the dwelling unit meets that standard for an unspecified period of time. If a tenant makes the landlord aware of a dilapidation of the premises during that time, the bill would provide the landlord an unspecified period of time in which to cure or correct the dilapidation, during which period the landlord would not be deemed to be in violation of the habitability requirements described above. The bill would authorize a local agency that performs an inspection at the request of a landlord to charge the landlord a fee sufficient to cover its cost in providing the inspection.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law excuses a landlord's duty to repair a dilapidation if the tenant is in substantial violation of specified affirmative obligations, provided that the tenant's violation contributes substantially to the existence of the dilapidation or interferes substantially with the landlord's obligation to make the necessary repairs.~~

~~This bill would make nonsubstantive changes to the provisions described above regarding a landlord's duty to repair a dilapidation.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 1941.8 is added to the Civil Code, to read:*

1941.8. (a) *The landlord of a dwelling unit may elect to have an inspection performed, consistent with Section 17970.5 of the Health and Safety Code, to verify that the dwelling unit intended for occupation by human beings satisfies the requirements described in Section 1941 and 1941.1 before it is made available for hire.*

(b) (1) *If a landlord has an inspection performed pursuant to subdivision (a), the landlord shall be provided an inspection report that contains documentation of each violation of Section 1941, if any, and of each action that is required to be taken to remedy the violation.*

(2) *If a landlord has an inspection performed pursuant to subdivision (a) showing no violation of Section 1941, it shall be presumed that the dwelling unit satisfies the requirement described in Section 1941 for a period of _____ years.*

(c) *If, during the period described in subdivision (b), a tenant makes the landlord aware of a dilapidation of the premises, the landlord shall have a period of _____ days in which to cure or correct the dilapidation and the landlord shall not be deemed to be in violation of Section 1941 during that period.*

(d) (1) *An inspection performed at the request of a landlord pursuant to subdivision (a) shall be performed by a state or local enforcement agency that is responsible for the enforcement of any housing law or to respond to a complaint from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, pursuant to Section 17970.5 of the Health and Safety Code.*

(2) *If the inspection is performed by a local agency, the agency may charge the landlord a fee sufficient to cover its cost in providing the inspection.*

SEC. 2. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*

~~SECTION 1. Section 1941.2 of the Civil Code is amended to read:~~

~~1941.2. (a) No duty on the part of the landlord to repair a dilapidation shall arise pursuant to Section 1941 or 1942 if the tenant is in substantial violation of any of the following affirmative obligations, provided that the tenant's violation contributes substantially to the existence of the dilapidation or interferes substantially with the landlord's obligation pursuant to Section 1941 to make the necessary repairs:~~

~~(1) To keep that part of the premises that they occupy and use clean and sanitary as the condition of the premises permits;~~

~~(2) To dispose from their dwelling unit of all rubbish, garbage and other waste, in a clean and sanitary manner;~~

~~(3) To properly use and operate all electrical, gas, and plumbing fixtures and keep them as clean and sanitary as their condition permits;~~

~~(4) Not to permit any person on the premises, with their permission, to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereto, nor themselves do any such thing;~~

~~(5) To occupy the premises as their abode, utilizing portions thereof for living, sleeping, cooking or dining purposes that were respectively designed or intended to be used for those occupancies.~~

~~(b) Paragraphs (1) and (2) of subdivision (a) shall not apply if the landlord has expressly agreed in writing to perform the act or acts mentioned therein.~~